

Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION

Approved September 1, 2011

THURSDAY, July 7, 2011, 7:00 p.m.
Council Chambers, 26379 Fremont Road

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Abraham and Commissioners: Clow, Collins, Harpootlian, and Partridge.

Staff: Debbie Pedro, Planning Director; Nicole Horvitz, Assistant Planner; Cynthia Richardson, Consultant Planner; Victoria Ortland, Planning Secretary, and Sarah Corso, Community Development Specialist.

Chairman Abraham acknowledged and thanked Planning Secretary Victoria Ortland for her 10 years of service with the Town of Los Altos Hills. Victoria started working for the Town in 2001 and will be retiring in July 2011. Chairman Abraham, speaking on behalf of the Commission, said that Victoria will be greatly missed and they wish her the best of luck for the future.

2. RE-ORGANIZATION OF THE PLANNING COMMISSION

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Abraham and seconded by Commissioner Clow to appoint Ray Collins as Planning Commission Chairman for a one year term.

MOTION MADE, SECONDED, AND PASSED BY VOICE VOTE: Motion by Commissioner Harpootlian and seconded by Commissioner Clow to appoint Richard Partridge as Planning Commission Vice-Chairman for a one year term.

3. PRESENTATIONS FROM THE FLOOR - None

4. PUBLIC HEARINGS

Planning Commission Ex Parte Contacts Policy Disclosure: Commissioner Abraham, Commissioner Partridge, Commissioner Harpootlian, Commissioner Clow, and Chairman Collins spoke with Scott Stotler.

- 4.1 LANDS OF YEN, 13811 Ciceroni Lane; File #48-11-ZP-SD; A request for a Site Development Permit for a 5,870 square foot single story new residence (maximum height: 27 feet) with a 4,400 square foot basement, a 120 square foot bunker, a 1,342 square foot swimming pool, and a Grading Policy exception for

the new residence and yard areas. CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report. The project called for grading of up to twelve feet for the rear yard, nine feet for the side yard, and eleven feet of cut for the residence. The volume of cut exceeding the grading variance is 1,871 cubic yards, and covers 6,251 square feet of area. The lightwell does not comply with the Town's basement ordinance. Staff recommended denial of the application, or allow a continuance so that the project can be redesigned to comply with the Town's Grading Policy.

Commissioner Partridge questioned the topographic conditions of the property, suggesting the property appeared to have up to eight feet of soil added to portions of the property.

Nicole Horvitz, Assistant Planner, disclosed that the previous owner had added soil to the property without approval from the Town. The current owner removed the fill and restored the property to its original condition.

Chairman Collins questioned the difference between a lightwell and daylighted basement.

Commissioner Harpootlian asked if basement garages were considered lightwells.

Debbie Pedro, Planning Director, clarified that a basement garage is considered a daylighted basement as it is at finished grade level. A lightwell is below grade level. The top wall of a lightwell is required to be no more than 28 inches below the finished first floor of a residence.

OPENED PUBLIC HEARING

Scott Stotler, applicant's representative, said that only a corner of the lightwell is below the allowed 28 inches. Stotler said that he and his client conducted neighbor outreach, which resulted in the development of a residence that is single-story, centered and carved into the property. This design protects the privacy of both neighbors above and below the project property. Stotler stated that he had received grading exceptions for past projects. Allowing this exception would reduce the physical impacts of the project on neighbors, be consistent with the rural environment of the Town, and reduce noise impacts.

Commissioner Harpootlian noted that the proposed twelve foot cut in the rear of the site would create a yard area for the house. He questioned the previous owner adding soil to the property, and questioned how the topographic conditions of the property were restored.

Scott Stotler said a soils report was conducted which identified that some of the dirt on the property was foreign and that restoring the property was difficult. The current property owner restored the site to its original conditions and corrected the grading violation.

Chairman Collins asked if the property had not been restored, would the removal of the foreign soil have been counted in the grading.

Debbie Pedro, Planning Director, said that the grading violation was already in place before Mr. Yen bought the property, and would not have been included in the volume of soil to be removed for this project.

Paul Jensen, Neighbor at 13830 Campo Vista Lane, supported the project. He said that the soil added by the previous owner had caused erosion problems on his property. The new project corrects the erosion control issues.

Scott Stotler, representative, said that foreign soil was added only to the front and side of the former house.

CLOSED PUBLIC HEARING

Commissioner Harpootlian was uneasy with the uncertainty of the true grade on the property, there appears to be four or five feet of foreign soil still sitting on the lot. His main concern was with the rear yard where he would like to see two to three feet of grading diminished. This would more closely comply with the Town's Grading Policy.

Commissioner Abraham concurred with Commissioner Harpootlian about the uncertainty of true grade of the lot. He complimented the applicant and his representative for their neighborhood outreach efforts. Commissioner Abraham identified the intent of the Grading Policy as reducing developments that are uncharacteristic of the Town. Providing the grading exception would have the same outcome in this situation. This project increases privacy and reduces noise pollution. He supported the project as proposed.

Commissioner Partridge stated that this lot as has no hardships, and therefore no reason for needing a Grading Exception. He believed that if a typical lot can be granted an exception, it would defeat the purpose of having a Grading Policy. He does not support the applicant's request for a Grading Exception.

Commissioner Clow said this project is similar to previous projects which aimed to protect and preserve neighbors' views. The price of this is exceptions to the Grading Policy. He supported the project because it supports the concerns of neighbors. Commissioner Clow said that projects should be looked at on an individual basis and he is willing to make an exception in this case.

Chairman Collins concurs with Commissioner Partridge. She does not support the Grading Policy exception because the lot does not create any hardships requiring the project to be inconsistent with the Town's General Plan. She believed that the applicant may have had a house in mind prior to acquiring the lot, instead of developing a house for the lot.

MOTION MADE AND SECONDED: Commissioner Clow moved to approve the request for a site development permit for the lands of Yen. The motion was seconded by Commissioner Harpootlian.

Discussion ensued and Commissioner Abraham asked Commissioner Clow to amend the motion to direct staff to prepare findings in support of the grading policy exception.

Further discussion ensued when Commissioner Harpootlian asked that the motion be amended to limit the rear yard to a maximum of eight feet of cut. Commissioner Abraham rephrased the amendment to request the slope be changed from 2:1 to 3:1.

MOTION AMENDED, SECONDED, AND PASSED BY ROLL CALL VOTE: Commissioner Clow amended the first motion to approve the request for a site development permit for the lands of Yen to include Commissioner Abraham and Commissioner Harpootlian's request that staff be directed to "prepare findings in support of the grading policy exception and request the slope be changed from 2:1 to 3:1." The motion was seconded by Commissioner Abraham.

AYES: Commissioners: Abraham, Harpootlian, Clow
NOES: Commissioner: Partridge, Chairman Collins
ABSENT: None
ABSTAIN: None

This item will be forwarded to a future meeting of the City Council.

4.2 LANDS OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
(APPLICANT: AT&T); 2350 Page Mill Road, File #280-10-CUP; A request for a
Conditional Use Permit renewal for an existing wireless communications facility.
CEQA Review: Categorical Exemption per Section 15301 (staff-Nicole Horvitz).

Nicole Horvitz, Assistant Planner, presented the staff report. The site is on Page Mill Road, adjacent to Highway 280. There is an existing monopole with five wireless carriers. The applicant is not proposing to make any modifications to the antenna or ground equipment with this renewal.

Commissioner Abraham pointed out that the RF Compliance Report created by the applicant cites an ordinance from the City of Los Altos, not the Town of Los Altos Hills.

Nicole Horvitz, Assistant Planner, will have the document corrected to reference Los Altos Hills and the applicable ordinances.

OPENED PUBLIC HEARING

Rosemary Burns, representative for AT&T, requested that AT&T be allowed to continue their service. She identified that there have been no compliance issues or complaints with AT&T's activity at the site.

Commissioner Abraham asked the applicant to describe AT&T's future plans to improve coverage in Los Altos Hills.

CLOSED PUBLIC HEARING

There was no discussion from the Commissioners on the project.

MOTION MADE, SECONDED, AND PASSED BY ROLL CALL VOTE: Motion made by Commissioner Partridge and seconded by Commissioner Harpootlian to forward a recommendation to the City Council that the Conditional Use Permit be extended for a period of ten years.

AYES: Commissioners: Abraham, Clow, Harpootlian, Partridge, Chairman Collins
NOES: None
ABSENT: None
ABSTAIN: None

This item will be forwarded to a future meeting of the City Council.

- 4.3 INITIAL STUDY AND NEGATIVE DECLARATION FOR THE GENERAL PLAN PATHWAYS ELEMENT MASTER PATH MAP AMENDMENT to add a future off-road pathway connecting La Loma Drive to Rhus Ridge Road. The location of the proposed future off-road pathway easement is along a private road right-of-way off of La Loma Drive (APN 336-32-042) accessing four homes; and thru the properties at 25265 La Loma Drive (APN 336-32-040), and 11970 Rhus Ridge Road (APN 336-31-005 & 021), connecting to Rhus Ridge Road. CEQA Review: Mitigated Negative Declaration (staff-Cynthia Richardson).

Cynthia Richardson, Planning Consultant, presented the staff report for the application continued from the June 2nd Planning Commission meeting. The application is for an initial study and negative declaration for the General Plan Pathways element Master Path Map amendment. The amendment will create a path connecting La Loma Drive to Rhus Ridge Drive. The path will be located near an existing undocumented path that runs through three properties: Mr. Devich, Mr. Herzog, and Mr. Spreen's properties. The Spreen residence has agreed to dedicate property for the pathway. The proposal supports the Town's General Plan that states each property shall have direct access to a pathway or indirect access via a vehicular right of way. The development of the proposed pathway, if approved, will be required only under certain conditions such as the development or addition of structures greater than 900 square feet.

Commissioner Abraham questioned the project's environmental review, stating that it is not specific to the exact location of the proposed future pathway. Potential hazards identified by Commissioner Abraham were drainage swales, trees, and privacy issues.

Cynthia Richardson, Planning Consultant, clarified that the application would amend the Pathways Master Path Map in the General Plan. The application is not identifying the exact location of a future path. The Site Development process will identify a more specific location. The General Plan does however state that pathways shall be located as close to property lines as possible.

Debbie Pedro, Planning Director, said staff could include a more specific characterization of the proposed area. She stated that the intent of the Negative Declaration is to form a broad view of the location, not a specific site. A more defined location is examined during the site development process.

Chairman Collins recalled in the past when she worked on the Master Pathway Plan updates, site-specific environmental reviews were not conducted. Chairman Collins said that it is not the Town's policy to require an Environmental Impact Review (EIR) for an amendment to the Master Path Plan.

OPENED PUBLIC HEARING

Richard Herzog, Neighbor on La Loma, has an unofficial pathway crossing his property. He believed if an official path is developed, there will be significant impacts to his property. He said that the path, as currently proposed, will suffer from land erosion and drainage issues from water that runs downstream of a private road. He believed that the future path will dissect the hedges that run alongside his property line. He asked the Commission to deny the project because it may lower the value of his property and will pose many hazards. He told the Commission that if they approve the project, he will block off the current path that runs through his property.

Steve Devich, Neighbor on La Loma Drive, told the Commission that his driveway is only twenty feet wide and a portion of it is on his neighbor's property. He believed that the portion of the path that is suggested to line his driveway will not leave enough room for his car to drive into his driveway. Mr. Devich has allowed people to use his path without any problems and he would like to continue allowing Town residence to use that pathway. He said the edge of his property is on a drainage ditch that carries a large volume of water to La Loma Drive. If the proposed path is printed on a map he believed the number of people using the path will increase and like his neighbor, he too will close off the portion of the current path that is on his property.

Wayne Kelly, Neighbor on La Loma, supports the other two neighbors. He has noticed a recent increase in traffic along the current path and other local paths, mostly by bicyclists.

Denise Williams, Neighbor on Corbetta Lane and is also on the Pathways Committee, said that the intent of the Committee was to identify locations that in fifty years would make a good path. She said that the process of developing paths is to identify them along property lines, even though the actual development of the path may not be located along the property line. The Committee believed that there would not be an environmental impact because they were just creating a line on a map, not physically developing a path.

CLOSED PUBLIC HEARING

Commissioner Partridge stated that there have been considerable efforts by the Planning Commission to ensure there will not be an environmental impact. He said that one of the benefits of the Town is the pathway system. This means that in the past people have had lines drawn on their property. He is disappointed that the owners feel they would need to block access to the current path if the amendment is passed.

Commissioner Abraham reiterated his concerns about the lack of an environmental review. He believed that a few issues were being overlooked, such as drainage swales, loss of trees and vegetation, and impacts to residential privacy. He does not support the request for a pathway amendment.

Commissioner Harpootlian said that it would be difficult to predict where a pathway will be in twenty or thirty years, when something in the area comes up for rebuilding. He does not accept the threat of closing the existing path to the public. The Town's path system has been in use for over thirty years and is part of the Town's recreation element that is intended for local use.

Commissioner Harpootlian supported the project under the acknowledgement that the intent of the Town's General Plan is to link together local neighborhoods.

Commissioner Clow identified that he has two paths running through his property. While he does not enjoy having the paths on his property, he does use and enjoy pathways around Town. He feels divided on the matter. His personal experience is that pathways can be intrusive, although he does enjoy other paths. He believed that as courtesy to the recently annexed properties, the Town should not ask them to provide easements for a new pathway. Commissioner Clow stated that he would oppose the project, however there is tremendous public benefit to having pathways and he believed that this pathway is valuable to the community.

Chairman Collins said that she is an avid pathway walker and is a supporter of pathways. She questioned what the urgency was for this project. She stated that this project did not need to come up now and should be postponed. She believed that the decline in property value as a result of the defined path is not an acceptable argument because the entire Town participates where possible in the pathway system. Chairman Collins was against the path amendment because she believed that it is not important at this point in time. She suggested that the project be postponed for five to seven years.

MOTION MADE AND SECONDED: Commissioner Partridge moved that the Planning Commission recommend that the City Council adopt the Negative Declaration in attachment two, based on the Initial Study in attachment one; and that the Commission forward a recommendation that the City Council approve the request for a General Plan amendment to the Master Path Plan, based on the Initial Study and Negative Declaration. The motion was seconded by Commissioner Harpootlian.

AYES: Commissioners: Harpootlian, Partridge
NOES: Commissioners: Abraham, Clow, Chairman Collins
ABSENT: None
ABSTAIN: None

MOTION FAILED.

MOTION MADE AND SECONDED: Commissioner Abraham moved that the Planning Commission recommend that the City Council reject the Initial Study/Negative Declaration, and recommend to the City Council to not add the proposed segment to the Master Pathway Map. The motion was seconded by Commissioner Clow.

AYES: Commissioners: Clow, Abraham
NOES: Commissioners: Harpootlian, Partridge, Chairman Collins
ABSENT: None
ABSTAIN: None

MOTION FAILED.

MOTION MADE: Commissioner Clow moved that the Planning Commission recommend that the City Council not reject the Initial Study/Negative Declaration, but deny adding the proposed segment on the map. No second was made.

MOTION FAILED DUE TO LACK OF A SECOND.

MOTION SECONDED AND PASSED BY ROLL CALL VOTE: Commissioner Clow motioned that the Planning Commission not support adding the proposed segment on the map, and that the Planning Commission makes no recommendation on the Initial Study/Negative Declaration. Commissioner Abraham seconded the motion.

AYES: Commissioner: Clow, Abraham, Chairman Collins
NOES: Commissioner: Partridge, Harpootlian
ABSENT: None
ABSTAIN: None

This item will be forwarded to a future meeting of the City Council.

5. OLD BUSINESS – none.

6. NEW BUSINESS – none.

7. REPORTS FROM THE CITY COUNCIL MEETINGS

- 7.1 Planning Commission Representative for June 16th – Chairman Abraham
- 7.2 Planning Commission Representative for July 21st – Commissioner Harpootlian
- 7.3 Planning Commission Representative for August 18th – Cancelled
- 7.4 Planning Commission Representative for September 15th – Commissioner Clow

8. APPROVAL OF MINUTES

8.1 Approval of July 7, 2011 minutes.

MOTION MADE, SECONDED, AND PASSED BY CONSENSUS: Motion by Commissioner Abraham and seconded by Commissioner Harpootlian to approve June 2, 2011 minutes as presented.

AYES: Commissioners: Abraham, Clow, Harpootlian, Partridge, and Chairman Collins
NOES: None
ABSENT: None
ABSTAIN: None

9. REPORTS FROM FAST TRACK MEETINGS – JUNE 21, AND JULY 5, 2011

- 9.1 LANDS OF CHIN, 25354 La Rena Lane; File #229-10-ZP-SD-GD; A request for a Site Development Permit for a new 4,774 square foot single-story residence (Maximum height: 21'). CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Brian Froelich). (approved with conditions).
- 9.2 LANDS OF KIACHIAN, 24157 Hillview Road; File #86-11-ZP-SD-GD; A request for a Site Development Permit for a new 4,966 square foot two story residence with a 1,855 square foot basement (Maximum height: 27'). CEQA Review: Categorical Exemption per Section 15303 (a) (staff-Brian Froelich). (approved with conditions).

10. REPORTS FROM SITE DEVELOPMENT MEETINGS – JUNE 14, JUNE 21, AND JULY 5, 2011

- 10.1 LANDS OF CIESINSKI, 26435 Ascension Drive; File #90-11-ZP-SD; A request for a Site Development Permit for landscape screening of a 2,509 square foot addition and remodel approved on March 16, 2010. CEQA review: Categorical Exemption per Section 15304 (staff-Brian Froelich). (approved with conditions).
- 10.2 LANDS OF WOOD, 12400 Melody Lane; File #40-11-ZP-SD; A request for a Site Development Permit for landscape screening for a 7,041 square foot two story new residence approved on September 23, 2008. CEQA review: Categorical Exemption per Section 15304 (b) (staff-Nicole Horvitz). (approved with conditions).
- 10.3. LANDS OF MATHEWS, 12271 Hilltop Drive; File #70-11-ZP-SD; A request for a Site Development Permit for a 792 square foot detached second unit (maximum height 13'), a 578 square foot swimming pool, and a 6,272 square foot tennis court. CEQA review: Categorical Exemption per Section 15303 (a) and (e) (staff-Nicole Horvitz). (approved with conditions).
- 10.4. LANDS OF CHENG, 24004 Oak Knoll Circle; File #183-10-ZP-SD; A request for a Site Development Permit for a 893 square foot swimming pool with 1,837 square feet of pool decking, walkways, and patio areas. CEQA review: Categorical Exemption per Section 15303(e) (staff-Brian Froelich). (approved with conditions).

11. ADJOURNMENT

The meeting was adjourned by consensus at 9:10 p.m.

Respectfully submitted,

Sarah Corso
Community Development Specialist

The minutes of the July 7, 2011, Planning Commission meeting were approved as corrected at the September 1, 2011, Planning Commission meeting.